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10 UNITED STATES BANKRUPTCY COURT
11 DISTRICT OF OREGON

12 In re
13 B. & J. Property Investments, Inc.,
14 Debtor.

Case No. 19-60138-pcm11

**DEBTOR'S MOTION TO FURTHER
EXTEND EXCLUSIVITY (11 U.S.C.
§1121)**

15
16 B. & J. Property Investments, Inc. ("Debtor") moves this Court pursuant to
17 11 U.S.C. §1121(d) for an for an order extending for an additional 14 days, to July 15, 2019,
18 the period within which Debtor has the exclusive right to file a plan pursuant to 11 U.S.C.
19 §1121(b) and to September 13, 2019, to obtain acceptance of a plan pursuant to 11 U.S.C.
20 §1121(c)(3). In support of this motion, Debtor states as follows:

- 21 1. On January 17, 2019, Debtor filed a voluntary petition for relief under
22 Chapter 11 of the United States Bankruptcy Code (the "Petition Date").
23 2. Pursuant to 11 U.S.C. §§1107 and 1108, Debtor continues to operate
24 its business and manage its property as Debtor-in-Possession.
25 3. Pursuant to the terms of the Bankruptcy Code, Debtor's exclusive right
26 to file a plan pursuant to 11 U.S.C. §1121(b) was originally set to expire on May 17, 2019.

1 4. On January 28, 2019, William John Berman filed his voluntary
2 petition for relief under Chapter 11 of the United States Bankruptcy Code, case no. 19-
3 60230-pcm11 (the “Berman Case”).

4 5. Pursuant to the terms of the Bankruptcy Code, Mr. Berman’s exclusive
5 right to file a plan pursuant to 11 USC § 1121(b) was originally set to expire on May 28,
6 2019.

7 6. On May 17, 2019, the Court entered an Order Granting Motion to
8 Extend Exclusivity [ECF No. 167], which extended Debtor’s exclusive right to file a plan
9 pursuant to 11 U.S.C. §1121(b) to July 1, 2019.

10 7. On May 30, 2019, the Court entered an Order re: Motion to Extend
11 Deadlines to File a Plan and Disclosure Statement and to Extend the Exclusivity Periods
12 Pursuant to 11 U.S.C. §1121(d) [ECF No.65] in the Berman Case, which extended Berman’s
13 exclusive right to file a plan pursuant to 11 U.S.C. §1121(b) to June 28, 2019.

14 8. Good cause exists to extend the exclusivity period for Debtor.

15 9. On June 5, 2019, Debtor and Mr. Berman each filed a Motion for Joint
16 Administration of Chapter 11 Cases in their respective cases. As of today, an order granting
17 this joint administration has not yet been entered.

18 10. Although Debtor has already prepared its Plan of Reorganization and
19 could file it at this time, it prefers to file a Joint Plan of Reorganization in conjunction with
20 Mr. Berman. Therefore, Debtor requests additional time for the entry of the joint
21 administration order and then integrate the two Plans into a Joint Plan of Reorganization.

22 11. Given the shortened work week during the 4th of July holiday period,
23 Debtor requests an extension of an additional 14 days so that it will have through July 15,
24 2019, within which it has the exclusive right to file a plan pursuant to Section 1121(b) and
25 through September 13, 2019, to obtain acceptance of the plan pursuant to Section 1121(c)(3).

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1 WHEREFORE, Debtor requests that the Court grant Debtor's Motion to
2 Extend Exclusivity as requested above and in the proposed form of order attached hereto as
3 **Exhibit 1.**

4 DATED this 27th day of June, 2019.

5 TONKON TORP LLP

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7 By /s/ Timothy J. Conway
8 Timothy J. Conway, OSB No. 851752
9 Ava L. Schoen, OSB No. 044072
10 Attorneys for Debtor
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EXHIBIT 1

UNITED STATES BANKRUPTCY COURT
DISTRICT OF OREGON

In re

B. & J. Property Investments, Inc.,
Debtor.

Case No. 19-60138-pcm11

**ORDER GRANTING MOTION TO
FURTHER EXTEND EXCLUSIVITY**

THIS MATTER having come before the Court upon Debtor's Motion to Further Extend Exclusivity (11 U.S.C. §1121) [ECF No. ____], and the Court having duly considered this matter and finding good cause; NOW, THEREFORE,

IT IS HEREBY ORDERED that Debtor's Motion is granted and that Debtor shall have an extension of an additional 14 days such that Debtor has the exclusive right to file a plan pursuant to 11 U.S.C. §1121(b) through July 5, 2019, and obtain acceptance of a plan pursuant to 11 U.S.C. §1121(c)(3) through September 13, 2019.

#

I certify that I have complied with the requirements of LBR 9021-1(a)..

Presented by:

TONKON TORP LLP

By

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Attorneys for Debtor

cc: List of Interested Parties

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **DEBTOR'S MOTION TO FURTHER
EXTEND EXCLUSIVITY (11 U.S.C. §1121)** was served on the parties indicated as "ECF"
on the attached List of Interested Parties by electronic means through the Court's Case
Management/Electronic Case File system on the date set forth below.

In addition, the parties indicated as "Non-ECF" on the attached List of
Interested Parties were served by mailing a copy thereof in a sealed, first-class postage
prepaid envelope, addressed to each party's last-known address and depositing in the
U.S. mail at Portland, Oregon on the date set forth below.

DATED this 27th day of June 2019.

TONKON TORP LLP

By /s/ Timothy J. Conway

Timothy J. Conway, OSB No. 851752

Ava L. Schoen, OSB No. 044072

Attorneys for Debtor

038533/00002/10145844v1

LIST OF INTERESTED PARTIES

In re B. & J. Property Investments, Inc.
U.S. Bankruptcy Court Case No. 19-60138-pcm11

ECF PARTICIPANTS

TIMOTHY J CONWAY on behalf of Debtor B. & J. Property Investments, Inc.
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KEITH D KARNES on behalf of Creditor Committee Ad Hoc Group of Class Plaintiffs
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TOBIAS TINGLEAF on behalf of Interested Party Better Business Management, Inc.
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US Trustee, Eugene
USTPRegion18.EG.ECF@usdoj.gov

NON-ECF PARTICIPANTS

TOP 20 UNSECURED CREDITORS

Class Action Plaintiffs
c/o Brady Mertz
Brady Mertz PC
345 Lincoln St.
Salem, OR 97302

Portland General Electric
POB 4438
Portland, OR 97208

Judson's Plumbing
POB12669
Salem, OR 97330

City of Salem
555 Liberty St. SE, Room 230
Salem, OR 97301

Comcast Business
POB 34744
Seattle, WA 98124-1744

Pacific Source
POB 7068
Springfield, OR 97475-0068

Pacific Sanitation
POB 17669
Salem, OR 97305

US Bank
POB 6352
Fargo, ND 58125-6352

Miller Paint
390 Lancaster Dr. NE
Salem, OR 97301

HotSuff Spas & Pool
1840 Lancaster Dr. NE
Salem, OR 97305

NW Natural Gas
POB 6017
Portland, OR 97228-6017

Chateau Locks
1820 47th Terrace East
Bradenton, FL 34203-3773

Century Link
Bankruptcy Dept.
600 New Century Parkway
New Century, KS 66031

Walter Nelson Company
1270 Commercial St. NE
Salem, OR 97301

Statesman Journal
340 Vista Ave. SE
Salem, OR 97302

Pacific Screening
POB 25582
Portland, OR 97298

DEX Media
Dex Media Attn: Client Care
1615 Bluff City Highway
Bristol, TN 37620

AllAmerican Insurance
POB 758554
Topeka, KS 66675-8554

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